

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

LUFKIN DIVISION

SHRONDA RENEE DALCO

§

VS.

§

CIVIL ACTION NO. 9:13cv256

ANGLETON PAROLE DISTRICT OFFICE

§

MEMORANDUM OPINION REGARDING VENUE

Plaintiff Shronda Renee Dalco, an inmate confined at the Lockhart Work Facility, proceeding *pro se*, brings this civil rights action pursuant to 42 U.S.C. § 1983 against the Angleton Parole District Office, Lynn Ruzicka, Conrith Davis and Cynthia Tauss. Plaintiff alleges she was improperly denied release on parole. The individual defendants are members of the parole panel that refused to release her.

Analysis

The Civil Rights Act, 42 U.S.C. § 1981, *et. seq.*, under which this case is brought, does not contain a specific venue provision. Accordingly, venue in civil rights cases is controlled by 28 U.S.C. § 1391. *Jones v. Bales*, 58 F.R.D. 453 (N.D. Ga. 1972), *aff'd per curiam*, 480 F.2d 805 (5th Cir. 1973).

When, as in this case, jurisdiction is not founded solely on diversity of citizenship, 28 U.S.C. § 1391 provides that venue is proper only in the judicial district where the defendants reside or in which the claim arose.

Plaintiff complains of events which occurred in Angleton, Texas, which is located in Brazoria County. In addition, the individual defendants appear to reside in Brazoria County.

Pursuant to 28 U.S.C. § 124, Brazoria County is located in the Galveston Division of the Southern District of Texas, rather than in the Eastern District.

As Brazoria County is located in the Southern District of Texas, venue in the Eastern District of Texas is not proper. When venue is not proper, the court "shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought." 28 U.S.C. § 1406(a).

Accordingly, this case should be transferred to the Galveston Division of the United States District Court for the Southern District of Texas. A Transfer Order shall be entered in accordance with this Memorandum Opinion.

SIGNED this 22nd day of October, 2013.



Zack Hawthorn
United States Magistrate Judge